

FILED

MAR 22 2002

JUDGE MARINA CORODEMUS

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
Docket No. L-2093-01 (MT)
Docket No. L-2521-01 (MT)
Docket No. L-1669-01 (MT)
Mass Tort Code 248

SUSANA ARENT, et al.,

Plaintiffs,

-vs-

CIBA-GEIGY CORPORATION, et al.,

Defendants.

MARGO KRAMER, et al.,

Plaintiffs,

-vs-

CIBA-GEIGY CORPORATION, et al.,

Defendants.

KATHLEEN JANES, et al.,

Plaintiffs,

-vs-

CIBA-GEIGY CORPORATION, et al.,

Defendants.

Civil Actions

CASE MANAGEMENT ORDER IX

The above matter having come before the Court on March 14, 2002 for a Case Management Conference and for good cause the following Case Management Order is entered:

1. counsel for the Ciba defendants will promptly contact Jorge Winkler to determine his availability to come to New Jersey (at plaintiffs' expense) for his deposition to be

taken no later than April 15th, 2002 and limited to five days (three days for the Kramer/Arent plaintiffs, two days for the Janes plaintiffs and one day for any other parties/co-defendants delineated to one half day for the water company and each co-defendant to approximately one hour), or to see if he is available to be deposed in Montana on March 20-23 and 26, 2002. If Mr. Winkler chooses not to be deposed on these dates in Montana, he will be flown, at Plaintiffs' expense (flight, hotel, reasonable meal expenses) to be completed on or before April 15, 2002;

2. the depositions of two representatives of United Water scheduled for March 19-20, 2002 are canceled because plaintiffs did not confer on dates beforehand; these depositions and others will be the subject of a motion to quash which will be filed shortly;

3. as to the other depositions of United Water requested by the Kramer/Arent plaintiffs, counsel for United Water shall provide all counsel with a letter by March 20, 2002 regarding the availability of those witnesses or any known problems in producing them by April 30, 2002;

4. the Kramer and Arent plaintiffs have completed their direct examination of William Bobsein and James McCormack, and the Janes plaintiffs and/or other parties may conduct their examination of those witnesses;

5. the Janes plaintiffs shall provide the Court and defense counsel with a letter by March 20, 2002 detailing all fact discovery that they still need to take from defendants and the Court will meet with counsel in that case to discuss that discovery;

6. defendant James McPherson shall file his Answer in Janes by March 20, 2002;

7. at the request of plaintiffs, the due date for the Janes plaintiffs' motion for class certification is extended to April 1, 2002 and that no further extensions will be granted;

8. the Janes plaintiffs will submit a memorandum of law to Judge Gruccio by March 29, 2002 regarding principles of inadvertent production to which all parties shall have 10 days to file a response thereto;

9. the briefing on the pending motion by the Arent and Kramer plaintiffs to file Amended Complaints shall be completed by March 18, 2002 but the return date for that motion will be April 19, 2002 to allow plaintiffs to supplement that motion record with any additional amendments that are sought and all papers regarding those additional amendments shall be filed in accordance with R. 1:6-3(a);

10. to the extent that the Kramer plaintiffs previously objected to the inclusion of certain requests in the Ciba defendants' Second Set of Requests to Admit, the Ciba defendants may serve those requests in a separate discovery request which shall be responded to by the Kramer plaintiffs in accordance with R. 4:22-1;

11. the Arent bellwether plaintiffs shall reconsider their responses to defendants' First Notice to Produce Documents and serve any amendments thereto by April 1, 2002;

12. the Arent bellwether plaintiffs shall begin to produce for inspection and copying on a rolling basis all non-privileged documents in response to defendants' Notice to Produce and produce their privilege log, if any;

13. the Arent and Kramer plaintiffs will send a letter to all counsel and Judge Gruccio by March 29, 2002 outlining the areas of expertise for which they intend to offer expert witnesses at trial;

14. all Arent bellwether plaintiffs shall provide all signed medical and employment records authorizations on a rolling basis but no later than April 15, 2002;

15. counsel for the Arent bellwether plaintiffs shall advise defendants by 4:00 p.m. on March 19, 2002 which interrogatories will be answered and the parties have until March 22, 2002 to discuss any additional questions which the defendants want to have answered;

16. counsel for the Arent bellwether plaintiffs and defendants shall advise the Court no later than March 22, 2002 if an agreement has been reached on the bellwether interrogatories;

17. in the event that agreement is not reached, all counsel in Kramer and Arent shall immediately confer with Judge Guccio to resolve the bellwether interrogatories;

18. Arent bellwether plaintiffs shall provide their interrogatory answers on a rolling basis;

19. defendants shall provide the Court by March 20, 2002 with a letter outlining the type of discovery sought from the Arent non-bellwether plaintiffs and those plaintiffs may respond by March 22, 2002, and the Court will thereafter advise the parties accordingly;

20. counsel for the Arent plaintiffs will confirm, by using a reasonable sampling of their questionnaire responses, by April 5, 2002 that all available information has been provided to defendants regarding plaintiffs' residential addresses;

21. by March 29, 2002, counsel for the Arent plaintiffs will provide counsel for United Water with copies of all documents requested to date and scheduled for production under Case Management Order VII provided that payment for the copying has been received;

22. the parties shall confer regarding the scheduling of all depositions;

23. once a deposition has been scheduled, it may not be canceled by any party without first speaking to Judge Guccio;

24. all future agendas for Case Management Conferences shall be compiled by Mr. Gordon and submitted in three parts: (1) issues for the Kramer/Arent cases, (2) issues for the Janes case and (3) issues common to all cases;

25. items for consideration in Case Management Orders should be listed on the agendas to be submitted prior to any meetings, and/or conferences, unless such item is of an exigent or emergent nature;

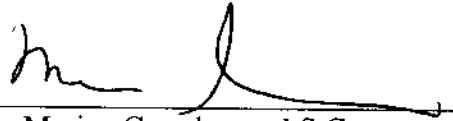
26. the Ciba defendants shall provide the Janes plaintiffs by March 22, 2002 with deposition dates and/or last known addresses for the witnesses noticed for depositions on January 11, 2002. Ciba's defense counsel shall secure the telephone numbers of all former employees who are subpoenaed for deposition with the exception of those persons whose last address is unknown (defense

counsel will notify Plaintiffs' counsel as soon as he has knowledge that a witnesses' address is unknown)
(All deponents not subpoenaed (produced by defense counsel) will be available by telephone contact
through the Lowenstein office);

27. the next case management conference is scheduled for April 18, 2002 at
10:00 a.m.; and

28. a copy of this Order be served on all counsel of record within 7 days hercof.

Dated: March 22, 2002



Hon. Marina Corodemus J.S.C.

On behalf of the Kramer and
Arent plaintiffs, I hereby
consent to the form and entry
of this Order


Michael Gordon, Esq.

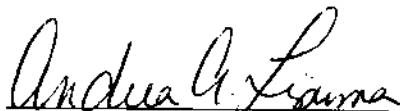
Dated: March 22, 2002

On behalf of Janes plaintiffs,
I hereby consent to the form
and entry of this Order.


Gerald H. Clark, Esq.


Dated: March 22, 2002

On behalf of defendant
United Water Company, I
hereby consent to the form
and entry of this Order.


Andrea A. Lipuma, Esq.

Dated: March 22, 2002

On behalf of the Ciba
defendants, I hereby consent
to the form and entry of this
Order.



David W. Field, Esq.

Dated: March 22, 2002